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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,337	10/16/2003	Steven Tchira	DCW-002	7078
55461 7590 06/26/2007 GEORGE A. WILLINGHAN, III AUGUST LAW GROUP, LLC P.O. BOX 19080 BALTIMORE, MD 21284-9080			EXAMINER HARMON, CHRISTOPHER R	
			ART UNIT 3721	PAPER NUMBER
			MAIL DATE 06/26/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/687,337

Applicant(s)

TCHIRA, STEVEN

Examiner

Christopher R. Harmon

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,9-11,18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,9-11,18 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 18-19 are rejected under 35 U.S.C. 102(a) and (e) as being anticipated by Weder (US 2002/0189165).

Weder discloses a transparent single folded sheet of material comprising a plurality of scored intersecting lines defining a folding sequence overlapping and aligning sections with printed indicia (translucent); see paragraphs 47 and 49, figures 3-

4.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1, 3-6, 9-11, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert (US 6,786,003).

Gilbert discloses a wrap and method comprising: a sheet of material that has intersecting score lines 150, 152, 188, 182, etc. defining a folding sequence (ie. the sheet is wrapped about itself aligning the various lines; see figures 8-12) corresponding to a pre-determined shape (conical) with a plurality of peaked sections (top seam in figure 12) along said lines for the wrap which comprises an overlapping portion capable of being used as a flower sleeve an appearance of being wrapped by hand. Note that gusseted portions as shown in figure 12 provide a multilayered predetermined shape.

Gilbert discloses printing instructions or other text along with graphic designs; see column 4, lines 4+. Thus visual indicia are arranged to illustrate the folding sequence as the alignment of the printed matter would guide a person wrapping the sleeve.

Gilbert discloses the use of glues, pin, tabs, etc. for securing the overlapping portions in a predetermined shape; see column 6, lines 1+.

Gilbert discloses inner translucent wrap surrounded by outer transparent wrap; see column 4, lines 35+.

Regarding claim 11, Gilbert discloses a plurality of distinct folded positions each defined by scored intersecting lines; see different embodiments of figures 1-23.

Gilbert does not directly disclose the sheet of material as a single layer, however recognizes a common alternate is a single substrate that is partially transparent; see column 1, lines 22+. Instead of laminating and cutting the sleeve in order to have a

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multilayered sleeve as disclosed it would have been obvious to one of ordinary skill in the art to modify the invention to Gilbert to comprise a single partially transparent layer and folding over itself before performing the wrapping sequence to provide a multilayered sleeve when folded.

5. Claims 1, 3-6, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weder (US 2002/0189165).

Weder does not directly disclose the appearance of a layer surrounding another, however discloses the use of a single layer or a plurality of layers; see paragraph 47. It would have been obvious to one of ordinary skill in the art to use a single sheet folded on itself to then have a plurality of layers in the invention to Weder to provide a flower sleeve according to his invention. Note the pre-folded wrap has peaks comprised of corners; visual indicia 42, generally conical configuration; see figure 1.

### ***Response to Arguments***

6. Applicant's arguments filed 5/13/07 have been fully considered but they are not persuasive.

7. Regarding Gilbert, Gilbert provides a multilayered sleeve formed of laminated layers. Applicant's arguments that the invention formed of a single layer are not persuasive to show distinctness over Gilbert. Note that the folding sequence first performed in applicant's claim 1 is to fold a portion of the sheet in an overlapping configuration. This primary step provides multiple layers in the sheet to then be manipulated in order to yield a flower wrap. Gilbert instead performs a lamination rather than a folding procedure.

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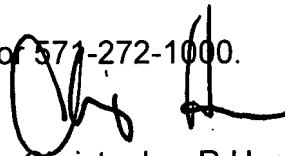
**Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Harmon whose telephone number is (571) 272-4461. The examiner can normally be reached on Monday-Friday from 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Christopher R Harmon  
Primary Examiner  
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